

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CIVIL ACTION No. 07-cv-3010

) (JURY TRIAL DEMANDED)

STATEMENT OF JURISDICTION

exceeds the sum or value specified by 28 U.S.C.A. §1332.

This action arises under the contract law (Quantum Meruit).

PLAINTIFF

of Pennsylvania, who at all times mentioned in this complaint

reside at 8831 Gap Newport Pike, Avondale, Pa. 19311, with a temporarily legal address in the F.C.I. Fort Dix, Post Office Box 2000, Fort Dix, New Jersey 08640.

DEFENDANTS

Defendants Hugh C. Clark, Esq., and Clark & McGill are citizens of the Commonwealth of Pennsylvania, with his (their) principal place of business at Two Penn Center, 2nd Floor, Philadelphia, Pennsylvania 19103.

STATEMENT OF FACTS

In October of 2006, plaintiff Victor Ortega has retained the legal services of the firm of Clark & McGill and/or Hugh C. Clark, Esq., of the Two Penn Center, 2nd Floor, Philadelphia, Pennsylvania 19103, to represent him in the matter of United States of America versus Victor Ortega, No.06-cr-582-02, for an advance payment fees of Twenty thousands (\$20,000.00) dollars.

Thereof, plaintiff retained the same firm to represent his nephew Rolando Marte in the same criminal case for an advance payment fees of Fifteen Thousands (\$15,000.00) dollars. See copies of the checks payments issued on October 23,30, 2006, November 29,30, 2006, and December 11,15, 2006, attached as exhibits "A"; "B"; and "C". However, the firm of Hugh C. Clark, Esq., and/or Clark & McGill, retained the legal services of Jerald Ingran, Esq., of the 315 Walnut Street, Suite 800, Philadelphia, PA 19102, to represent plaintiff's nephew Rolando Marte in the above matter.

Thereafter, four court's appearances and about eight visited at the Federal Detention Center, plaintiff terminated and/or discharged the above firm(s) of its/their duty and service and appointed another firms to represent them (plaintiff and his nephew Rolando Marte) in the above criminal matter.

Since the dismissal of the above, plaintiff has unsuccessfully attempted to communicate with the firm of Hugh C. Clark, Esq.

and/or Clark & McGill, for the refund/return of the unearned money while he/they was/were hired to handle plaintiff and Rolando Marte criminal case all the way up to trial, but he/they was/were discharged of his/their duty and service shortly after the above court's appearances.

LEGAL CLAIMS

The Pennsylvania Supreme Court have recognized that an attorney with a contract to perform a specific service for a specific fee who is discharged may recover a proper amount for his services as a Quantum Meruit basis.

The advance payment retainer and security retainer arrangements are subject to a lawyer's duty to refund to a client of any unearned fees. Accordingly, the firm of Hugh C. Clark, Esq., and/or Clark & McGill has a rights to compensation for the services rendered prior to his/their termination only.

DEMAND FOR JUDGMENT

Therefore, plaintiff demands that:

1. That the court entered a judgment against the defendants for Twenty Five Thousands (\$25,000.00) dollars.
2. That the defendants pay plaintiff interest, costs, and reasonable legal fees; and
3. That the plaintiff be awarded any other just relief.

Victor Ortega

Victor Ortega
ID#60706-066
F.C.I. Fort Dix
Post Office Box 2000
Fort Dix, NJ 08640
(July 23, 2009)

EXHIBIT "A"

6102805293

T-878 P.001/001 F-700

LISA A. CURD
P.O. BOX 130
TOUGHKENAMON, PA 19374

DATE 10.23.06

PAY TO THE ORDER OF Clark & McGill, P.C. \$ 10,000.00
Ten Thousand 00/100 DOLLARS

WACHOVIA
Wachovia Bank, N.A.
wachovia.com

MEMO Re: Victor Ortega Lisa A. Curd

⑆031000503⑆1010041499339⑆ 1730 ⑆0001000000⑆

JUN-03

⑆031200730⑆
WACHOVIA NA SVC752 2661T
PHILA, PA 19242006 00PK

*Clark & McGill
For Deposit Only
No 30000116975*

Account	Date	Amount	Serial Number	Sequence	Status
000001010041499339	10/24/2006	\$10,000.00	000000000001730	00000000000926871241	Posted Items

Wachovia Bank, N.A. certifies that the above image is a true and exact copy of the original item issued by the named customer, and was produced from original data stored in the archives of Wachovia Bank, N.A. or its predecessors.

TEMPLE THE BEAUTIFUL
1613 W 3RD ST
WILMINGTON, DE 19805-3542

528

62-10/311
BRANCH 302

10/30/06

Date

Pay to the
Order of

Hugh Clark

\$ 5,000.00

Five Thousand

Dollars



Security
Features
Details on
Back

WSFS bank

WILMINGTON SAVINGS FUND SOCIETY, FSB
638 MARKET STREET, WILMINGTON, DE 19801

For

Rolando Montes

Rolando Montes

MP

⑆031100102⑆

208467

2820

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⑆0000500000⑆

EXHIBIT "B"

TEMPLE THE BEAUTIFUL
1613 W 3RD ST
WILMINGTON, DE 19805-3542

528
62-10/311
BRANCH 302

10/30/06
Date

Pay to the Order of Hugh Clark \$ 5,000.00
Five Thousand Dollars

WSFSbank
WILMINGTON SAVINGS FUND SOCIETY, FSB
838 MARKET STREET, WILMINGTON, DE 19801

For Rolando Montes Spencer Vucelja MP
⑆03⑆1⑆00⑆10⑆2⑆ 208467 282⑈ 0528 ⑈0000500000⑈

TEMPLE THE BEAUTIFUL
1613 W 3RD ST
WILMINGTON, DE 19805-3542

538
62-10/311
BRANCH 302

11-29-06
Date

Pay to the Order of Hugh Clark \$ 5,000.00
Five thousand and 00/100 Dollars

WSFSbank
WILMINGTON SAVINGS FUND SOCIETY, FSB
838 MARKET STREET, WILMINGTON, DE 19801

For Victor Ortega/Rolando Monte Victor Ortega MP
⑆03⑆1⑆00⑆10⑆2⑆ 208467 282⑈ 0538 ⑈0000500000⑈

TEMPLE THE BEAUTIFUL
1613 W 3RD ST
WILMINGTON, DE 19805-3542

539
62-10/311
BRANCH 302

I. Ortega
11-30-06
~~11-20-06~~
Date

Pay to the Order of Clark & McGill, PC \$ 5,000.00
Five thousand and 00/100 Dollars

WSFSbank
WILMINGTON SAVINGS FUND SOCIETY, FSB
838 MARKET STREET, WILMINGTON, DE 19801

For Victor Ortega/Rolando Monte Victor Ortega MP
⑆03⑆1⑆00⑆10⑆2⑆ 208467 282⑈ 0539 ⑈0000500000⑈

Theresa C. Clark

PA 02 20753656

Exp. 12/8/08

9403 Washington

Phil. PA 6788

215-735-9650

TR: 133 301-14
208467282
Check: 628

11/30/2006 01:51 PM
\$5,000.00

Theresa C. Clark

PAD 20793696

12/08/08

940 E. Wash. Lane

Philadelphia, PA

215-848-3523

11/30/2006
1003714053
0311001033

Check: 628

TR: 67 301-2

19138

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On US Chk. \$5,000.00

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003

David McGill
FOR DEPOSIT ONLY
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NACHOVIA NA SVC752 2519T
PHILA, PA 11292006 20PK

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EXHIBIT "C"

540

62-10/311
BRANCH 302

TEMPLE THE BEAUTIFUL
1613 W-3RD ST
WILMINGTON, DE 19805-3542

12-11-06
Date

© HARLAND 2003

Pay to the
Order of

Clark & McGill, PC

\$ 5,000.00

Five thousand and ~~xx~~/100 ~~cents~~

Dollars



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WSFS bank

WILMINGTON SAVINGS FUND SOCIETY, FSB
838 MARKET STREET, WILMINGTON, DE 19801

For

Victor Ortega/Rolando Manto *[Signature]*

MP

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BRANCH 302

TEMPLE THE BEAUTIFUL
1613 W-3RD ST
WILMINGTON, DE 19805-3542

12-15-06
Date

© HARLAND 2003

Pay to the
Order of

Clark & McGill, PC

\$ 5,000.00

Five thousand and ~~xx~~/100 ~~cents~~

Dollars



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Details on
Back.

WSFS bank

WILMINGTON SAVINGS FUND SOCIETY, FSB
838 MARKET STREET, WILMINGTON, DE 19801

For

Victor Ortega/Rolando Manto *[Signature]*

MP

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Clend & McCall, PC
For Deposit Only
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